

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

*S.C.G., a minor child, through next
friend Jamanic Reaves; JAMANIC
REAVES, as next friend to S.C.G.;
and K.L.P., on behalf of themselves
and all others similarly situated,*

Plaintiffs,

v.

*CANDICE BROCE, in her official
capacity as Commissioner of the
Georgia Department of Human
Services,*

Defendant.

CIVIL ACTION NO.
1:22-cv-01324-LMM

ORDER


This case comes before the Court on Defendant's motion to dismiss the claims asserted against her, Dkt. No. [7]; Defendant's motion to stay pretrial deadlines and discovery, Dkt. No. [8]; and Plaintiffs' amended complaint, Dkt. No. [11].

A party may amend his pleading once as a matter of course within 21 days of the service of a motion filed under Rule 12(b) of the Federal Rules of Civil Procedure. Fed. R. Civ. P. 15(a)(1)(B). Plaintiffs filed the amended complaint on

June 21, 2022, which was within that time period.¹ Therefore, the Court finds the amended complaint to have been filed as a matter of right.

Because the motion to dismiss seeks to dismiss a complaint that has been superseded, the motion to dismiss, Dkt. No. [7], is **DENIED AS MOOT**. The motion to stay pretrial deadlines and discovery, Dkt. No. [8], is **GRANTED IN PART**, such that the stay of discovery shall remain in place for the **14 days** following the entry of this Order. Defendant shall have **14 days** to file a motion to dismiss the amended complaint should she find it appropriate to do so, and she may also file a renewed motion to stay pretrial deadlines and discovery at that time. In doing so, she must indicate whether Plaintiffs consent to the motion.

IT IS SO ORDERED this 22nd day of June, 2022.



Leigh Martin May
United States District Judge

¹ June 21 was the first day the Court was open following the Juneteenth holiday weekend.